



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,068	04/23/1999	WILL F. WILLIAMSON	25932-5	2791

7590 10/09/2007
Vita G. Conforti
Davis Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
----------	--------------

1797

MAIL DATE	DELIVERY MODE
-----------	---------------

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/299,068

Applicant(s)

WILLIAMSON ET AL.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-21,23-29 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-21,23-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 25, 2007 has been entered.

The Obviousness-type Double Patenting rejection is withdrawn in view of Applicant's arguments.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 4-12, 14, 21, 23-29 and 31-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the language "a ratio ration" is not understood.

In claim 2, line 3, it is not clear how "naphthenic petroleum base stock is a synthetic oil.

Art Unit: 1714

In claim 2, lines 7-11, Applicant is claiming glycol esters. However, trimethylolpropane, pentaerythritol, dimethylolpropane, dipentaerythritol and trimethylolmonoethane are not glycols.

In claim 2, line 13, "tolune" should read --toluene--.

Claim 2, line 5 contains unsaturated C₁₀-C₂₄ branched or straight chain fatty acids, while claim 2, lines 16-17 contain "a branched or straight chain mono- or polyunsaturated C₁₀-C₂₄ fatty acid. It is not clear why the recitation at line 5 is required since it is encompassed by the recitation at lines 16-17.

In claim 2, lines 3-4, it is not clear how "naphthenic petroleum base stock is a synthetic oil.

In claim 12, lines 8-12, Applicant is claiming glycol esters. However, trimethylolpropane, pentaerythritol, dimethylolpropane, dipentaerythritol and trimethylolmonoethane are not glycols.

Claim 12, lines 5-6 contain unsaturated C₁₀-C₂₄ branched or straight chain fatty acids, while claim 12, lines 16-17 contain "a branched or straight chain mono- or polyunsaturated C₁₀-C₂₄ fatty acid. It is not clear why the recitation at lines 5-6 is required since it is encompassed by the recitation at lines 16-17.

In claim 21, line 4, it is not clear how "naphthenic petroleum base stock is a synthetic oil.

In claim 2, lines 8-12, Applicant is claiming glycol esters. However, trimethylolpropane, pentaerythritol, dimethylolpropane, dipentaerythritol and trimethylolmonoethane are not glycols.

Art Unit: 1714

In claim 21, line 13, "tolune" should read --toluene--.

Claim 21, lines 5-6 contain unsaturated C₁₀-C₂₄ branched or straight chain fatty acids, while claim 2, lines 16-17 contain "a branched or straight chain mono- or polyunsaturated C₁₀-C₂₄ fatty acid. It is not clear why the recitation at line 5 is required since it is encompassed by the recitation at lines 16-17.

In claim 29, line 3, it is not clear how "naphthenic petroleum base stock is a synthetic oil.

In claim 29, lines 7-11, Applicant is claiming glycol esters. However, trimethylolpropane, pentaerythritol, dimethylolpropane, dipentaerythritol and trimethylolpropane are not glycols.

In claim 29, line 12, "tolune" should read --toluene--.

Claim 29, line 5 contains unsaturated C₁₀-C₂₄ branched or straight chain fatty acids, while claim 2, lines 16-17 contains "a branched or straight chain mono- or polyunsaturated C₁₀-C₂₄ fatty acid. It is not clear why the recitation at line 5 is required since it is encompassed by the recitation at lines 16-17.

Claims 5 and 15 are rejected because pentaerythritol appears twice in the claim. Also, it is not clear what constitutes "polyethylated alcohols."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cepha D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone

Art Unit: 1714

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cepha D. Toomer
Primary Examiner
Art Unit 1714

09299068\20070929